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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,009	11/17/2003	Jan Pieter Vijn	HES 2000-IP-002275U1C1	3281
24919	7590	11/10/2004	EXAMINER THOMPSON, KENNETH L	
MCAFEE & TAFT TENTH FLOOR, TWO LEADERSHIP SQUARE 211 NORTH ROBINSON OKLAHOMA CITY, OK 73102			ART UNIT 3672	
PAPER NUMBER				

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,009

Applicant(s)

VIJN ET AL.

Examiner

Kenn Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-19 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>17Nov03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claims 18 and 19 are objected to because of the following informalities:

Claims 18 and 19 appear to depend from claim 17 since they further limit the fluid loss control agent. To expedite the examination process the Examiner will treat claims 18 and 19 as to depend from claim 17.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 10-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Reddy et al., U.S. 6,454,004.

Regarding claim 1, Reddy et al. discloses preparing a cement com preparing a cement composition comprising hydraulic cement, biodegradable dispersant comprised of polyaspartic acid containing side chains formed by reacting one or more side chain forming chemicals therewith and sufficient water to form a pumpable slurry; placing said cement composition in said zone to be cemented; and allowing said cement composition to set into an impermeable solid mass therein (col. 1, lines 39-50).

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As to claims 10 and 11, Reddy et al. discloses the dispersant has a molecular weight in the range of from about 5,000 to about 500,000 and about 10,000 daltons (col. 6, lines 29-33).

As to claim 12, Reddy et al. discloses the dispersant is present in the composition in an amount in the range of from about 0.1% to about 2.0% by weight of cement therein (col. 6, lines 33-42).

As to claims 13 and 14, Reddy et al. discloses Portland cement (col. 6, lines 4-15).

As to claims 15 and 16, Reddy et al. discloses fresh water present in the composition in an amount in the range of from about 18% to about 110% by weight of cement therein (col. 6, lines 17-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reddy et al., U.S. 6,454,004 in view of Vickers, Jr. et al., U.S. 6,284,867.

As to claim 2, Reddy et al. discloses a polyaspartic acid having a side chain forming chemical (col. 4, lines 4, lines 60-67). Reddy et al. does not disclose use of a polyamide as a side chain forming chemical. Vickers, Jr. et al. teaches use of a polyamide as a side chain forming chemical to maintain cement in a dispersed state for a longer period of time (col. 9). It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for side chain forming chemical disclosed by Reddy et al. to be a polyamide as taught

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by Vickers, Jr. et al. to maintain cement in a dispersed state for a longer period of time as needed to provide for proper positioning before setting.

As to claim 3, Vickers, Jr. et al. teaches use of ethylene oxide (col. 5, lines 9-37) as a side chain forming chemical.

As to claims 7-9, Vickers, Jr. et al. teaches use of polyester, polyamide and polyethylene oxide (claims 2 and 15) as a side chain forming chemical.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reddy et al., U.S. 6,454,004 in view of Vijn et al., U.S. 6,405,801.

As to claims 17-19, Reddy et al. discloses a fluid loss control agent (col. 8, lines 46-54). Reddy et al. does not disclose the agent being hydroxyethylcellulose in an amount in the range of from about 0.2% to about 2.0% by weight of cement therein. Vijn et al. teaches use of a fluid loss agent being hydroxyethylcellulose in an amount in the range of from about 0.2% to about 2.0% by weight of cement therein which functions to prevent fluid loss at temperatures of 280 degrees Fahrenheit (col. 6, lines 1-10). It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for fluid loss agent disclosed by Reddy et al. to be hydroxyethylcellulose in an amount in the range of from about 0.2% to about 2.0% by weight of cement therein, as taught by Vijn et al. to prevent fluid loss at temperatures of 280 degrees Fahrenheit, additionally, they remain stable in the presence of salt water and can dissolved in water to form storable liquid additives in sufficient amounts without increasing the viscosities of the cement compositions.

Allowable Subject Matter

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including the side chain forming chemical is a vinyl functional polyethylene glycol, vinyl functional polypropylene glycol nor an amino functional polyethylene glycol.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klein et al., U.S. 6,565,645 disclose a similar fluid loss control agent.

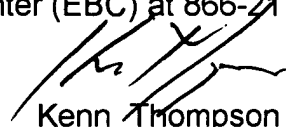
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1 November 2004



Kenn Thompson
Primary Patent Examiner
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